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EXAMINER	
RAJ, RAJIV J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/679,113	**Applicant(s)** MIYAZAKI ET AL.	
	Examiner RAJIV J. RAJ	**Art Unit** 4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-38* is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *18-38* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *03 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a)☐ All b)☐ Some * c)☐ None of:
 1.☐ Certified copies of the priority documents have been received.
 2.☐ Certified copies of the priority documents have been received in Application No. _____.
 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date *03 October 2003*.
4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 03 October 2003.
2. Claims 18-38 have been added.
3. Claims 1-17 have been canceled.
4. Claims 18-38 are currently pending and have been examined.

Information Disclosure Statement

5. The Information Disclosure Statement filed on 03 October 2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Priority

6. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Double Patenting

7. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

8. Claims 18-38 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-16 of prior U.S. Patent No. 6656115 B1. This is a double patenting rejection.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1. Determining the scope and contents of the prior art.
   2. Ascertaining the differences between the prior art and the claims at issue.
   3. Resolving the level of ordinary skill in the pertinent art.
   4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 18, 19, 21-23, and 25-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bui et al. (US 6398727 B1) (hereinafter Bui) in view of Kumar et al. (US 6416471 B1) (hereinafter Kumar).

Claim 18

Bui as shown, discloses the following limitations:

- *a receiver and a transmitter configured to communicate with a plurality of patient terminals thought a network,* (see at least Bui Column:3 Lines:5-20 "The communications unit is generally larger than the ambulatory patient monitor and is situated at a convenient location where the patient can hear or see messages from it. The communications unit may be selectively coupled to the programmable, ambulatory patient monitor for receiving, storing and transmitting to the remote controller patient physiological condition data and for transmitting instructions from the remote controller to the programmable, ambulatory patient monitor. The patient can communicate with the caregiver using the communications unit. When the patient connects the ambulatory patient monitor to the communications unit, the patient can communicate with the caregiver at the remote location while the caregiver is viewing patient stored data transmitted from the ambulatory patient monitor via the communications unit.")

- *the transmitter is configured to transmit from the server terminal to a respective patient terminal, each parameter identified by the server terminal to be measured at the respective patient terminal, based on the schedule stored in the server terminal, and* (see at least Bui Abstract "A patient management system includes a programmable patient monitor for monitoring and recording a plurality of physiological conditions of a patient, a plurality of physiological condition sensors and a communications unit. The plurality of patient monitoring sensors are electrically coupled to the programmable patient monitor. Each sensor detects a particular physiological condition of the patient, such as core temperature, ECG electrodes for providing an electrocardiogram and blood oximetry sensors. The patient monitor is small and compact and easily worn by the patient during his normal at home activities. To provide communication with a caregiver via a remote controller at the caregiver's location, a communications unit is disposed in the facility. The communications unit may be selectively coupled to the programmable patient monitor for receiving, storing and transmitting to the remote controller patient physiological condition data and for transmitting instructions from the remote controller to the programmable patient monitor. When the patient connects the patient monitor to the communications unit, the patient can communicate with the caregiver at the remote location." and Column:8 Lines:33-35 "Communications unit 30 transmits temperature data to the caregiver in accordance with a predetermined schedule or if an out-of-limit temperature is sensed.")
- *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, measured parameters corresponding to parameters identified by the server*

terminal to be measured, based on the schedule stored in the server terminal (see at least Bui Abstract & Column:8 Lines:33-35)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein the server terminal includes a stored schedule showing a desired time for measuring each one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal* (see at least Kumar Column:29 Lines:1-16 "Schedule manager 114 is responsible for all interactions with the base station unit 30 and, like the database manager 112, runs continuously as a background process. Since information about the required schedules for patient studies is stored in the patient database 110, the schedule manager 114 must obtain all relevant schedule information from the database manager 112. Similarly, the schedule manager 114 passes all data to be stored (i.e. case session data, case alarm data) to the database manager 112 for storage in the patient database 110. The schedule manager 114 interfaces with the rest of the system through the database manager 112. The schedule manager 114 also needs to interface to any modems used to connect to base station units 30. Schedule manager 114 further implements the base station-remote monitoring station communications protocol described in the previous section.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a receiver and a transmitter configured to communicate with a plurality of patient terminals thought a network*, *the transmitter is configured to transmit from the server terminal to a respective patient terminal, each parameter identified by the server terminal to be measured at the respective patient terminal, based on the schedule stored in the server terminal* and *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, measured parameters corresponding to parameters identified by the server terminal to be measured, based on the schedule stored in the server terminal*, as taught by Bui, with *wherein the server terminal includes a stored schedule showing a desired time for measuring each one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 19

Bui as shown, discloses the following limitations:

- *a receiver and a transmitter configured to communicate with a plurality of patient terminals through a network,* (see at least Bui Column:3 Lines:5-20)
- *the transmitter is configured to transmit from the server terminal to a respective patient terminal, the parameter identified by the server terminal to be measured at the respective patient terminal, based on the schedule stored in the server terminal, and* (see at least Bui Abstract & Column:8 Lines:33-35)
- *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, a measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the schedule stored in the server terminal.* (see at least Bui Abstract & Column:8 Lines:33-35)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein the server terminal includes a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal,* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a receiver and a transmitter configured to communicate with a plurality of patient terminals thought a network*, *the transmitter is configured to transmit from the server terminal to a respective patient terminal, each parameter identified by the server terminal to be measured at the respective patient terminal, based on the schedule stored in the server terminal* and *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, measured parameters corresponding to parameters identified by the server terminal to be measured, based on the schedule stored in the server terminal*, as taught by Bui, with *wherein the server terminal includes a stored schedule showing a desired time for measuring each one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 21

Bui as shown, discloses the following limitations:

- *a receiver and a transmitter configured to communicate with a plurality of patient terminals through a network,* (see at least Bui Column:3 Lines:5-20)
- *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, a measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the stored schedule* (see at least Bui Abstract & Column:8 Lines:33-35)
- *the server terminal includes a comparator for comparing a time of measurement as determined by a patient of the respective patient terminal and a desired time of measurement in the stored schedule,* (see at least Bui Column:3 Lines:45-48 "The monitoring routine compares the physiological conditions detected by the sensor with a stored instruction having a predetermined range of values for that particular sensor.")
- *the server terminal is configured to accept the received measurement of the respective patient,* (see at least Bui Abstract)
- *if the time comparison performed by the server terminal is less than a predetermined time.* (see at least Bui Claim:24 "base station unit indicating an event condition and storing event data indicating a significant physiological event in said memory when said received health parameter data is outside said predetermined ranges or when an abnormal physiological condition is detected.)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein the server terminal includes a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient,* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a receiver and a transmitter configured to communicate with a plurality of patient terminals through a network, the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, a* *measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the stored schedule, the server terminal is configured to accept the received measurement of the respective patient,* and *if the time comparison performed by the server terminal is less than a predetermined time*, as taught by Bui, with *wherein the server terminal includes a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 22

The combination of Bui/Kumar discloses all of the limitations of claim 18. Bui further discloses the following limitation:

- *server terminal is configured to have a function for managing information unique to a patient using the respective patient terminal and can supply individual data or individual control information to the respective patient terminal based on the information unique to said patient.* (see at least Bui Abstract)

Claim 23

The combination of Bui/Kumar discloses all of the limitations of claim 18. Kumar further discloses the following limitation:

- *server terminal includes threshold values for data that depend on a condition of each patient's health and has a function for transmitting a signal to an administrator terminal via the network when the measured data transferred from the respective patient terminal deviates from said threshold values.* (see at least Kumar Column:13 Lines:11-22 “ The base station unit 30 may also include software which compares the various vital signs data signals received with pre-programmed thresholds for certain physiological variables. In particular, the base station unit 30 may look for threshold violations; however, the actual processing for determining whether an "event" has occurred is performed when processing the raw data at the remote monitoring station 50. Where data points fall outside these threshold values for a certain period of time, the base station unit 30 may record an event condition and could also indicate this fact to the patient by reverse radio transmission to the signal transfer unit 20 via a two-way radio link.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations taught by Bui/Kumar, with the *server terminal includes threshold values for data that depend on a condition of each patient's health and has a function for transmitting a signal to an administrator terminal via the network when the measured data transferred from the respective patient terminal deviates from said threshold values*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 26

Bui as shown, discloses the following limitations:

- *a receiver and a transmitter configured to communicate with a server through a network,* (see at least Bui Column:3 Lines:5-20)
- *the patient terminal is configured to measure the parameter identified by the server terminal, and*(see at least Bui Abstract)
- *the transmitter is configured to transmit to the server terminal, from the patient terminal, a measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the schedule stored in the server terminal.* (see at least Bui Abstract, Column:8 Lines:33-35)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein the receiver is configured to receive from the server terminal at least one of a plurality of parameters identified by the server terminal to be measured at the patient terminal, based on the schedule stored in the server terminal, the stored schedule showing a desired time for measuring each one of the plurality of parameters indicating health of each patient, the schedule stored in the server terminal,* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a receiver and a transmitter configured to communicate with a server through a network, a measured parameter* *corresponding to the parameter identified by the server terminal to be measured, the patient terminal is configured to measure the parameter identified by the server terminal*, and *the transmitter is configured to transmit to the server terminal, from the patient terminal, a measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the schedule stored in the server terminal*, as taught by Bui, with *wherein the receiver is configured to receive from the server terminal at least one of a plurality of parameters identified by the server terminal to be measured at the patient terminal, based on the schedule stored in the server terminal, the stored schedule showing a desired time for measuring each one of the plurality of parameters indicating health of each patient, the schedule stored in the server terminal*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 27

The combination of Bui/Kumar discloses all of the limitations of claim 26. Bui further discloses the following limitation:

- *a function for transmitting a signal to an administrator terminal via the network when the measured data transferred from the patient terminal deviates from said threshold values.* (see at least Bui Column:6 Lines:31-40 "Communications unit 30 includes a modem 31 (not shown) which is used to connect over telephone lines 460 to a caregiver at a remote location. Modem 31 may be a voice-over-data modem to enable the patient to communicate with the caregiver while the caregiver views the patient's physiological data or other wireless means of communication. The remote location, such as the caregiver's office, includes a comparable modem 430 connected to a personal computer 400 (or other stored data device or network supervisory system). ")

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *the patient terminal includes threshold values for data that depend on the condition of a patient's health* (see at least Kumar Column:13 Lines:11-22)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a function for transmitting a signal to an administrator terminal via the network when the measured data* *transferred from the patient terminal deviates from said threshold values*, as taught by Bui, with *the patient terminal includes threshold values for data that depend on the condition of a patient's health*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 28

Bui as shown, discloses the following limitations:

- *transmitting and identifying from the server terminal to a respective patient terminal a parameter, based on the schedule stored in the server, to be measured at a respective patient terminal;* (see at least Bui Column:3 Lines:5-20)
- *measuring the parameter identified in step (b) at the respective patient terminal;* (see at least Bui Abstract)
- *repeating steps (b) and (c) in turn for each of the other respective parameters, based on the schedule to be measured stored in the server terminal; and* (see at least Bui Abstract, Column:3 Lines:5-20, Column:4 Lines:66-67, Column:5 Lines:1-4 “The remote controller software can also schedule and program (i.e., set the schedule for taking measurements and for turning them on and off) the sensors connected to the ambulatory, patient monitor and the sensors selectively connected to the communications unit.”)
- *transmitting from each respective patient terminal to the server terminal the measured parameters, after measuring in step (c)* (see at least Bui Column:3 Lines:5-20)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *storing in the server terminal, a schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient;* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *transmitting and identifying from the server terminal to a respective patient terminal a parameter, based on the schedule stored in the server, to be measured at a respective patient terminal measuring the parameter identified in step (b) at the respective patient terminal*, *repeating steps (b) and (c) in turn for each of the other* *respective parameters, based on the schedule to be measured stored in the server terminal*, and *transmitting from each respective patient terminal to the server terminal the measured parameters, after measuring in step (c)*, as taught by Bui, with *storing in the server terminal, a schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 29

The combination of Bui/Kumar discloses all of the limitations of claim 28. Bui further discloses the following limitations:

- *comparing, at the server terminal, a value of the measured parameter to a predetermined range of values stored in the server terminal, after step (e); and* (see at least Bui Claim:45 Limitation:3 " a controller for comparing the stored physiological data with a stored instruction comprising a predetermined range of values and for generating a patient alarm signal in response to a stored physiological data being outside the predetermined range and for comparing operation of the plurality of patient monitor sensors with a predetermined set of operational values and for generating an alert signal in response to a detected operation outside the predetermined set")
- *transmitting, from the server terminal to an administrator terminal, the measured parameter,* (see at least Bui Abstract)
- *if the value of the measured parameter is not within the predetermined range of values.* (see at least Bui Column:3 Lines:48-50 "If the detected signal is outside the predetermined range, a patient alarm signal is generated.")

Claim 30

Bui as shown, discloses the following limitations:

- *transmitting and identifying from the server terminal to a respective patient terminal a parameter, based on the schedule stored only in the server terminal to be measured at a respective patient terminal;* (see at least Bui Column:3 Lines:5-20)

- *measuring the parameter identified in step (b) at the respective patient terminal;* (see at least Bui Abstract)
- *repeating steps (b) and (d) in turn for each of the other respective parameters, based on the schedule to be measured stored in the server terminal; and* (see at least Bui Abstract, Column:3 Lines:5-20, Column:4 Lines:66-67, Column:5 Lines:1-4)
- *transmitting from each respective patient terminal to the server terminal, the measured parameters, after measuring in step (c).* (see at least Bui Column:3 Lines:5-20)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *storing in the server terminal, a schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient;* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *transmitting and identifying from the server terminal to a respective patient terminal a parameter, based on the schedule stored in the server, to be measured at a respective patient terminal measuring the parameter identified in step (b) at the respective patient terminal*, *repeating steps (b) and (c) in turn for each of the other respective parameters, based on the schedule to be measured stored in the server terminal*, and *transmitting from each respective patient terminal to the server terminal the measured parameters, after measuring in step (c)*, as taught by Bui, with *storing in the server terminal, a schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 31

The combination of Bui/Kumar discloses all of the limitations of claim 30. Bui further discloses the following limitations:

- *comparing, at the server terminal, a value of the measured parameter to a predetermined range of values stored in the server terminal, after step (e); and* (see at least Bui Claim:45 Limitation:3)

- *transmitting, from the server terminal to an administrator terminal, the measured parameter,* (see at least Bui Abstract)
- *if the value of the measured parameter is not within the predetermined range of values.* (see at least Bui Column:3 Lines:48-50)

Claim 32

Bui as shown, discloses the following limitations:

- *a plurality of patient terminals and a server terminal configured to communicate in a network,* (see at least Bui Fig:1 & related text)
- *the server terminal including a transmitter for transmitting, from the server terminal to a respective patient terminal, each parameter identified by the server terminal to be measured at a respective patient terminal, based on the schedule stored in the server terminal,* (see at least Bui Abstract, Column:8 Lines:33-35)
- *the respective patient terminal configured to (1) measure each parameter identified by the server terminal and (2) store each measured parameter based on the schedule, and* (see at least Bui Abstract, Column:8 Lines:33-35)
- *the respective patient terminal including a transmitter for transmitting to the server terminal the stored measured parameters* (see at least Bui Column:3 Lines:5-20)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *the server terminal including a stored schedule showing a desired time for measuring each one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a plurality of patient terminals and a server terminal configured to communicate in a network, the server terminal including a transmitter for transmitting, from the server terminal to a respective patient terminal, each parameter identified by the server terminal to be measured at a respective patient terminal, based on the schedule stored in the server terminal, the respective patient terminal configured to (1) measure each parameter identified by the server terminal and (2) store each measured parameter based on the schedule,* and *the respective patient terminal including a transmitter for transmitting to the server terminal the stored measured parameters*, as taught by Bui, with *the server terminal including a stored schedule showing a desired time for measuring each one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 33

Bui as shown, discloses the following limitations:

- *a plurality of patient terminals and a server terminal configured to communicate in a network,* (see at least Bui Fig:1 & related text)
- *the server terminal including a transmitter for transmitting, from the server terminal to a respective patient terminal,* (see at least Bui Column:3 Lines:5-20)
- *the parameter identified by the server terminal to be measured at a respective patient terminal, based on the schedule stored in the server terminal,* (see at least Bui Abstract Column:8 Lines:33-35)
- *the respective patient terminal configured to measure the parameter identified by the server terminal, and* (see at least Bui Abstract)
- *the respective patient terminal including a transmitter for transmitting to the server terminal the measured parameter* (see at least Bui Abstract)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *the server terminal including a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal,* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a plurality of patient terminals and a server terminal configured to communicate in a network, the server terminal including a transmitter for transmitting, from the server terminal to a respective patient terminal, the parameter identified by the server terminal to be measured at a respective patient terminal, based on the* *schedule stored in the server terminal, the respective patient terminal configured to measure the parameter identified by the server terminal* and *the respective patient terminal including a transmitter for transmitting to the server terminal the measured parameter*, as taught by Bui, with *the server terminal including a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 34

The combination of Bui/Kumar discloses all of the limitations of claim 32. Bui further discloses the following limitation:

- *wherein said server terminal has a function for managing information unique to a user using said patient terminal and can supply individual data or individual control information to said patient terminal based on the information unique to said user.* (see at least Bui Abstract)

Claim 35

The combination of Bui/Kumar discloses all of the limitations of claim 32. Bui further discloses the following limitation:

- *including sensors for measuring the parameters, said sensors including at least one of a clinical thermometer, a hemadynamometer, a pulsimeter, a blood sugar level meter, a saturated blood oxygen densitometer, scales, a fat meter, a stethoscope, an electrocardiograph, a still imaging device, an animation imaging device and a spirometer.* (see at least Bui Column:6 Lines:14-30 "Communications unit 30 controls additional physiological sensors 53, 54, 56, 58 and 59. These additional sensors are typically used to measure physiological conditions infrequently or at specified times. Sensor 56 measures temperature and, for example, may be used to verify a temperature reading by core temperature sensor 216. Sensor 53 measures blood gas. Sensor 59 is a spirometer for measuring volume of respiratory air flow. Sensor 54 (NIBP) measures

> blood pressure non-invasively. A patient may only need to take his blood pressure using non-invasive blood pressure sensor 54 twice a day, for example. Sensor 58 measures the patient's weight. The patient's weight may only be needed daily or weekly by scale 58. Communications unit 30 can also monitor other devices, such as an infusion pump, or download data to a personal computer 40 located at the patient's home or alternative care facility, such as when the caregiver visits the patient.")

Claim 36

The combination of Bui/Kumar discloses all of the limitations of claim 32. Bui further discloses the following limitation:

- *an information terminal carried by the practitioner via the network* (see at least Bui Column:6 Lines:31-40)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein said server terminal includes threshold values for data that depend on a condition of each patient's health and has a function for transmitting a signal to an administrator terminal, the respective patient terminal* (see at least Kumar Column:13 Lines:11-22)
- *when the measured data transferred from said patient terminal deviates from said threshold values.* (see at least Kumar Column:13 Lines:11-22)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *an information terminal carried by the practitioner via the network*, as taught by Bui, with *wherein said server terminal includes threshold values for data that depend on a condition of each patient's health and has a function for transmitting a signal to an administrator terminal, the respective patient terminal* and *when the measured data transferred from said patient terminal deviates from said threshold values*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Claim 37

The combination of Bui/Kumar discloses all of the limitations of claim 32. Bui further discloses the following limitation:

- *an information terminal carried by the practitioner via the network* (see at least Bui Column:6 Lines:31-40)

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein said patient terminal includes threshold values for data that depend on the condition of each patient's health and has a function for transmitting a signal to an administrator terminal* (see at least Kumar Column:13 Lines:11-22)
- *when the measured data transferred from said patient terminal deviates from said threshold values.* (see at least Kumar Column:13 Lines:11-22)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *an information terminal carried by the practitioner via the network*, as taught by Bui, with *wherein said patient terminal includes threshold values for data that depend on the condition of each patient's health and has a function for transmitting a signal to an administrator terminal* and *when the measured data transferred from said patient terminal deviates from said threshold values*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

12. Claims 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bui in view of Kumar in further view of Cairnes (US 6139494) (hereinafter Cairnes):

Claim 24

The combination of Bui/Kumar discloses all of the limitations of claim 18. Cairnes further discloses the following limitation:

- *server terminal stores at least part of software driving the patient terminal or/and an administrator terminal and has a function operating when said software is updated, to automatically update said software in the respective patient terminal or/and said administrator terminal.* (see at least Cairnes Column:9 Lines:41-52 “Event manager

> software 128 provides automated processing and integration of information the patients 108, PHA 120 and health providers 136 enter into the tele-informatics system of FIG. 1. It supports automated processing of the tele-informatics system's clinical applications and clinical practice management. When PHA 120 receives patient data, event manager software 128 analyzes, classifies and categorizes the data. Database software 134 stores and updates the analyzed patient data in database 130. The event manager software 128 informs health care providers when survey data of patient signs and symptoms is expected, when it arrives, or when it is late.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations taught by Bui/Kumar, with the *server terminal stores at least part of software driving the patient terminal or/and an administrator terminal and has a function operating when said software is updated, to automatically update said software in the respective patient terminal or/and said administrator terminal*, as taught by Cairnes, with the motivation of more cost-effective way of monitoring patient information from remote locations for improved healthcare. (see at least Cairnes Column:1 Lines:51-52)

Claim 38

The combination of Bui/Kumar discloses all of the limitations of claim 32. Cairnes further discloses the following limitation:

- *said server terminal stores at least part of software driving said patient terminal or/and an administrator terminal and has a function operating when said software is updated, to automatically update said software in said patient terminal or/and said administrator terminal*. (see at least Cairnes Column:9 Lines:41-52)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations taught by Bui/Kumar, with *said server terminal stores at least part of software driving said patient terminal or/and an administrator terminal and has a function operating when said software is updated, to automatically update said software in said patient terminal or/and said administrator terminal*, as taught by Cairnes, with the motivation of more cost-effective way of monitoring patient information from remote locations for improved healthcare. (see at least Cairnes Column:1 Lines:51-52)

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bui in view of Kumar in further view of Ridgeway (US 5967975) (hereinafter Ridgeway):

Claim 20

Bui as shown, discloses the following limitations:

- *a receiver and a transmitter configured to communicate with a plurality of patient terminals through a network,* (see at least Bui Column:3 Lines:5-20)
- *the transmitter is configured to transmit from the server terminal to a respective patient terminal, the parameter identified by the server terminal to be measured at the respective patient terminal, based on the schedule stored in the server terminal, and* (see at least Bui Abstract & Column:8 Lines:33-35)
- *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, a measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the schedule stored in the server terminal,* (see at least Bui Abstract & Column:8 Lines:33-35)
- *the server terminal includes a predetermined alarm signal, wherein the predetermined alarm signal is transmitted to the respective patient terminal, if the server terminal determines that the measurement has not been made*. (see at least Bui Column:6 Lines:45-55 "A detected value outside the range for the patient causes an alarm signal to be generated by the ambulatory patient monitor 20. Generation of an alarm signal alerts the patient to contact the caregiver, preferably by connecting the ambulatory patient monitor 20 to communications unit 30. In an alternative embodiment, the ambulatory patient monitor may include a wireless communication means such as an IR port or RF transceiver. In this alternative embodiment, the generation of the alarm signal is transmitted wirelessly to the communications unit 30, which then automatically contacts the caregiver.")

Bui does not disclose the following limitation, however Kumar, as shown, does:

- *wherein the server terminal includes a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal,* (see at least Kumar Column:29 Lines:1-16)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a receiver and a transmitter configured to communicate with a plurality of patient terminals through a network*, *the transmitter is configured to transmit from the server terminal to a respective patient terminal, the parameter identified by the server terminal to be measured at the respective patient terminal, based on the schedule stored in the server terminal*, *the receiver is configured to receive in the server terminal, transmitted by the respective patient terminal, a measured parameter corresponding to the parameter identified by the server terminal to be measured, based on the schedule stored in the server terminal* and *the server terminal includes a predetermined alarm signal, wherein the predetermined alarm signal is transmitted to the respective patient terminal, if the server terminal determines that the measurement has not been made*, as taught by Bui, with *wherein the server terminal includes a stored schedule showing a desired time for measuring at least one of a plurality of parameters indicating health of each patient, the schedule stored in the server terminal*, as taught by Kumar, with the motivation of more efficiently communicating and monitoring patient information for improved healthcare. (see at least Kumar Column:1 Lines:5-19)

Bui/Kumar does not disclose the following limitation, however Ridgeway, as shown, does:

- *the server terminal is configured to determine that the respective patient terminal has not made a measurement of the parameter identified by the server terminal,* (see at least Ridgeway Column:8 Lines:46-49 “System equipment failures, as well as power and communications link outages, are hence detected the first time a scheduled measurement time window closes without receipt of a valid measurement signal.”)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations taught by Bui/Kumar, with *the server terminal is configured to determine that the respective patient terminal has not made a measurement of the parameter identified by the server terminal*, as taught by Ridgeway, with the motivation of more accurately detecting and monitoring patient information for improved healthcare. (see at least Ridgeway Column:1 Lines:14-18)

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Rajiv J. Raj** whose telephone number is **571-270-3930.** The Examiner can normally be reached on Monday-Friday, 7:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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Date: 04/30/08
/Rajiv J Raj/ Patent Examiner Art Unit 4143
/James A. Reagan/

Supervisory Patent Examiner, Art Unit 4143